

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

A&J PRODUCE CORP.	:	
	:	
Plaintiff	:	
	:	
v.	:	Civil No. 07cv7008 (JSR)
	:	
KOREAN PRODUCE BUYING SERVICE, INC., t/a K.P.T.	:	MOTION FOR TEMPORARY RESTRAINING ORDER WITHOUT NOTICE AND ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD
	:	
and	:	
	:	
YONG H. KIM	:	
	:	
Defendants	:	

Upon the verified affidavit of the representative of the plaintiff, the Attorney Certification Why Notice Should Not Be Given Pursuant to Rule 65(b), and the accompanying memorandum in support, plaintiff moves the Court to issue a temporary restraining order without notice and an order to show cause why a Preliminary Injunction should not be issued under Rule 65(b) of the Federal Rules of Civil Procedure enforcing the statutory trust established by Section 5(c) of the Perishable Agriculture Commodities Act, 7 U.S.C. §499e(c), by restraining the transfer of any and all assets of Korean Produce Buying Service, Inc., t/a K.P.T., except for any payment to plaintiff, up to \$176,342.50, pending either payment to plaintiff by cashiers or certified check of \$176,342.50 or a further hearing to be set within ten (10) days of the issuance of the temporary restraining order.

Dated this 6th day of August, 2007.

Respectfully submitted

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